IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:	Rogan, et al.
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Group Art Unit:	3621
Examiner:	Bayat, Bradley B.
For:	METHOD AND SYSTEM FOR ELECTRONICALLY PROCESSING TRANSACTIONS

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant now submits its brief after having filed a Notice of Appeal on February 28, 2005. A check in the amount of $500.00 is enclosed with this brief. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Introduction

At least one element of every claim is missing from the reference relied upon by the Examiner when rejecting the claims under 35 U.S.C. §102. The rejection must be reversed.

Real Party in Interest

Hamilton Sundstrand Corporation, which is the Assignee of this application, is the real party in interest. Hamilton Sundstrand Corporation is a business unit of United Technologies Corporation.

Related Appeals and Interferences

There are no related appeals or interferences.

Status of the Claims

Claims 1-23 are currently pending and stand rejected under 35 U.S.C. §102.

Status of Amendments

There are no unentered amendments.

Summary of Claimed Subject Matter

This invention generally relates to electronically processing transactions throughout an entire order-to-cash trading cycle. Prior to this invention, no one has provided a fully integrated system where a supplier, shipper and customer can all utilize a single transaction identifier during all phases of the order-to-cash cycle of a transaction. Before this invention, there were redundancies during the normal order-to-cash trading cycle during the ordering, releasing, shipping, receiving and paying stages of the cycle. With this invention, the flow of trade is enhanced by utilizing electronic transaction capabilities to minimize paperwork and redundancies in the transaction process. (Paragraphs 3 and 4)

Independent claim 1 recites:

> 1. A method of electronically handling transactions, comprising the steps of:
>
> establishing a transaction identifier that is used during all stages of an order-to-cash trading cycle;
>
> electronically storing the transaction identifier such that the identifier is remotely accessible by a plurality of users;
>
> linking supplier information with the transaction identifier;
>
> linking purchaser information with the transaction identifier;
>
> updating status information indicating the status of the transaction during a corresponding phase of the transaction; and
>
> linking the status information to the transaction identifier.

Claim 1 reads on the example illustrated embodiment as follows. A transaction identifier 40, which in one example comprises a single barcode, represents a plurality of pieces of information. At least supplier information and purchaser information is linked with the transaction identifier 40. (Paragraph 22)

The example of Figure 1 includes a tracking module 30 for storing the example transaction identifier 40 such that the identifier is remotely accessible by a plurality of users such as a purchaser, supplier and carrier. The single transaction identifier 40 provides the system the ability to link all information regarding the transaction so that it can be readily accessed by a variety of individuals at remote locations by simply entering the transaction identifier into an appropriate computer or other device, for example. (Paragraph 22)

Upon receiving an order, the supplier preferably provides information to the example system 20 that results in the generation of the transaction identifier 40. (Paragraph 23) Once the order has been appropriately arranged, it is then provided to a carrier for shipment. In one example, the carrier enters the transaction identifier into the carrier's database, which is also tracked by the example tracking module 30. At this phase of the transaction, the tracking module 30 preferably contains or has access to information regarding the contents of the order, the

carrier, the date of receipt by the carrier and any other relevant information entered by the supplier or the carrier. While in route, the carrier may update the transaction information by providing information to the tracking module 30 regarding location of the shipment, expected arrival date, etc. All such information in this example is linked to and accessible using the identifier 40. (Paragraph 24)

Information linked to the transaction identifier may further include information pertaining to the carrier arriving at a location specified by the customer and providing an indication that the shipment has been delivered. In one example, the carrier is able to indicate other information such as time of delivery or conditions of the shipment upon delivery, for example. At that time, the tracking module 30 has verification that the shipment has been completed and the information regarding the transaction is appropriately updated. (Paragraph 25)

At this stage of the transaction, the transaction identifier 40 preferably is directly linked with or contains information regarding a customer identification number, the purchase order number, a shipment release number, a packing slip number or an invoice number. Having all of this information associated with or contained within the transaction identifier eliminates the previously required steps of completing various invoices and receipt documents.

In the illustrated example, the tracking module 30 maintains information regarding the transaction and automatically updates it upon receiving a communication from one or more of the other modules that are linked into the system 20.

No previous system had the ability to update status information as recited in claim 1. The entire phase of the transaction between receipt of an order and delivery to the customer had not been linked to a transaction identifier as claimed in claim 1. There previously had been no

ability to update status information and link it to a transaction identifier as provided by the example embodiment upon which claim 1 reads.

Dependent claim 4 recites:

> 4. The method of claim 1, including automatically facilitating payment from a customer to a supplier responsive to determining that a selected portion of the transaction is complete.

There are several disclosed examples upon which claim 4 reads. In one example as shown in Figure 4, once a supplier provides an order to a shipper or carrier, the system automatically sends a message to the customer module 28 notifying the customer module of the beginning of shipment. In some instances, an agreement between the supplier and customer requires cash before delivery. The customer module 28 can respond to such a message by instigating an appropriate payment procedure. This is one example of enhancing a supplier receiving payment more quickly than previous arrangements where a variety of individuals must be involved to track appropriate information and complete necessary paperwork that was otherwise required. (Paragraph 30)

In another example, the supplier module 24 calculates a payment due date based upon receipt of a message regarding a particular status of the shipment. Such an example allows a supplier to more accurately track accounts payable and estimated or actual due dates, for example. (Paragraph 31)

In one example, electronic payment is accomplished once a customer module 28 receives notification of an appropriate status of an appropriate portion of the transaction. In one example, the customer module 28 communicates with the supplier module 24 directly to indicate a transfer of funds from the appropriate customer account into the appropriate supplier account using an electronic fund transfer mechanism. (Paragraph 32)

Claim 6 recites:

> 6. The method of claim 1, including automatically updating the status information responsive to remotely received information regarding stages of the transaction.

This claim reads on, for example, when a shipper 32 supplies information regarding a status of the shipment from a remote location. (Paragraphs 26 and 27) In one example, the tracking module 30 maintains information regarding the transaction and automatically updates it upon receiving such a communication. (Paragraph 28)

Claim 22 particularly recites that the corresponding phase of the transaction recited in claim 1 is a phase between an order from the purchaser and receipt by the purchaser.

Claim 23 particularly recites updating status information responsive to input from a carrier.

Independent claim 7 recites:

> 7. A system for electronically processing transactions, comprising:
> a transaction identifier that identifies a transaction; and
> a tracking module that includes status information regarding the transaction and updates the status information during stages of the transaction, the tracking module providing access to the status information to a plurality of users such that a user of the system can automatically access the status information by using the transaction identifier.

This claim reads upon the example embodiment described above.

Claim 14 provides:

> 14. The system of claim 7, wherein the tracking module communicates with a plurality of remotely located input devices and where the input devices provide status information regarding the transaction.

Claim 15 recites:

> 15. The system of claim 14, wherein at least one of the input devices is a shipper input device that a shipper uses to enter status information regarding the shipment and delivery portions of the transaction.

Claim 16 relates to billing and payment.

> 16. The system of claim 7, including a billing module that communicates with the tracking module and wherein the billing module automatically facilitates fund transfers between a customer account and a supplier account responsive to receiving shipment confirmation information from the tracking module.

Claim 20 particularly recites that the tracking module updates status information indicative of a stage of the transaction between a customer order and receipt by the customer.

Claim 21 particularly recites that the plurality of users includes a carrier.

Independent claim 18 recites:

> 18. A computer readable medium containing a plurality of computer executable instructions for electronically processing transactions, comprising:
>
> a first instruction module establishing a transaction identifier that is used during all stages of a transaction;
>
> a second instruction module electronically storing the transaction identifier such that the identifier is remotely accessible by a plurality of users;
>
> a third instruction module linking supplier information with the transaction identifier;
>
> a fourth instruction module linking purchaser information with the transaction identifier;
>
> a fifth instruction module updating status information indicating the status of the transaction during a corresponding phase of the transaction;
>
> a sixth instruction module linking the status information to the transaction identifier; and
>
> a seventh instruction module automatically providing at least selected portions of the information linked to the transaction identifier responsive to a user accessing the transaction identifier.

Claim 19 adds that the status information includes information regarding the transaction at a stage between an order by the purchaser and receipt by the purchaser.

Grounds of Rejection to be Reviewed on Appeal

Claims 1-23 were rejected under 35 U.S.C. §102 based upon U.S. Patent No. 6,015,167 (the "*Savino*" reference). The problem with the Examiner's rejection is that nothing in that reference discloses updating information as recited in claim 1 and linking the updated status information to the transaction identifier. Nothing in the *Savino* reference teaches a tracking module as recited in claim 7. Nothing in the *Savino* reference teaches a computer readable medium as recited in claim 18 that includes an instruction module for updating status information indicating the status of the transaction during a corresponding phase of the transaction or another instruction module linking the status information to the transaction identifier. As at least one element of each of the independent claims cannot be found in the *Savino* reference. There is no anticipation.

Argument

It is axiomatic that in order for a reference to anticipate a claim, every element of the claim must be expressly or inherently disclosed in that reference. In this instance, the *Savino* reference is not as comprehensive as the claimed invention and there is no anticipation. The *Savino* reference does teach generating a barcode shipping label that links, in a database or supplier digital processor, a plurality of predetermined relevant purchase and shipping information. The teachings of the *Savino* reference, however, are limited to the time when a customer places an order. There is no updating of any information in the *Savino* reference that corresponds to the type of information encompassed within Applicant's claimed arrangement.

Column 3, lines 33-47 of the *Savino* reference teach:

> For example, as illustrated in Fig. 5, a barcode value represented by the barcode 500 provided in accordance with the present invention is stored in the database 14 and is linked in the database by conventional software methods to various variables or aspects of purchase and shipping information of a purchase order such as customer name and address 502, packing slip number 504, customer purchase order number 506, box quantity number 508, part quantity number 510, customer part number 512, manufacturer part number 514, shipping date 516, etc. Thus, the supplier or customer if so equipped, need only scan a single barcode to retrieve from the database all relevant purchase and shipping information associated with a purchase order.

Further, the *Savino* reference teaches in column 4, lines 17-35:

> The supplier digital processor 12, upon receiving the authorization command, assigns a barcode and generates a barcode shipping label (step 412). The barcode links in the database 14 or supplier digital processor 12 a plurality of predetermined relevant purchase and shipping information ***entered by the customer*** and associated with a purchase order. Because the barcode shipping label provides information ***directly entered by the customer, corruption of purchase order information through re-entry of the information by the supplier*** is avoided. The barcode may be scanned (step 414) by the supplier digital processor 12 or the customer digital processor 16 to access from the database 14 a plurality of predetermined, relevant purchase and shipping information associated with the customer's purchase order including, for example, customer name and address, packing slip number, purchase order number, box quantity number, part quantity number, customer part number, manufacturer part numbers, shipping date, etc. (Emphasis supplied)

Later in column 4, the *Savino* reference teaches that, "One advantage of the system embodying the present invention is that purchase and shipping information is ***only entered by the customer*** in order to ensure reliability of order information. There is no re-entry of purchase order information into the database of the supplier which can lead to corruption of the originally supplied purchase order information." (Emphasis supplied)

It is clear from the teachings of the *Savino* reference that there is no updating of any status information regarding any portion of the order-to-cash trading cycle after the customer enters the information that results in generation of the barcode. There is nothing within the

Savino reference that contemplates a carrier providing updated information regarding shipping status, for example. There is nothing within the *Savino* reference that indicates that a payment for a shipment can be facilitated using that barcode. Such features cannot be found in the reference and are not inherently included.

The Examiner appears to be relying upon a statement in column 5 beginning at line 18 where *Savino* teaches, "A sixth advantage is that a customer or supplier can easily access shipping and receiving status information pertaining to purchase orders and parts shipped." This single statement cannot be taken out of context in order to manufacture an anticipation rejection of Applicant's pending claims. That statement must be taken in context with the remaining teachings of the *Savino* reference which, as quoted above, are unequivocal that the only information linked with the barcode is the information provided by the customer when placing the order (of course, some of the shipper information may be automatically generated by the shipper's portion of the system, but even that gets linked to the barcode only at the time when the customer places the order.) There is nothing in the *Savino* reference that teaches later providing additional information or updating information regarding the status of an order along the way.

Additionally, none of the claims can be considered obvious because any modification to the *Savino* reference that would bring it closer to Applicant's claimed invention would be contrary to the express teachings of the *Savino* reference. As quoted above, the *Savino* reference is very protective of what information gets linked to the barcode of that reference. It only occurs responsive to the customer input. Therefore, if one were to modify the teachings of the *Savino* reference to try to render that consistent with Applicant's claimed invention, a feature of the teachings of *Savino* would be eliminated and that is not permissible when attempting to establish a *prima facie* case of obviousness.

CLAIMS 1-3 ARE ALLOWABLE

Claim 1 includes, in part, "updating status information indicating the status of the transaction during a corresponding phase of the transaction and linking the status information to the transaction identifier." That is nowhere expressly or inherently within the *Savino* reference. There is no anticipation.

CLAIM 4 IS ALLOWABLE

Claim 4 cannot be considered anticipated by any stretch of the *Savino* reference. Nothing in the *Savino* reference relates to, "automatically facilitating payment from a customer to a supplier responsive to determining that a selected portion of the transaction is complete."

CLAIM 5 IS ALLOWABLE

Claim 5, which depends from claim 4, further recites, "automatically determining payment schedule terms based upon selected criteria using the determined completion of the selected portion of the transaction." Nothing in the *Savino* reference can be interpreted in a manner that would render claim 5 anticipated.

CLAIM 6 IS ALLOWABLE

Claim 6 pertains to remotely received information used for automatically updating the status information regarding stages of the transaction. Nothing in the *Savino* reference pertains to this. The only information linked with the barcode in the *Savino* reference exists at the time that a customer places an order. There is no remotely received information regarding stages of

the transaction after that point in the *Savino* reference. Claim 6 cannot possibly be considered anticipated.

CLAIM 22 IS ALLOWABLE

Claim 22 particularly recites that the "corresponding phase of the transaction is a phase between an order from the purchaser and receipt by the purchaser." As mentioned above, the *Savino* reference does not have any information linked to the barcode after the order is placed by the customer. Therefore, any phase of the transaction that fits within the timeframe recited in claim 22 is necessarily outside of the scope of the *Savino* reference and claim 22 is not anticipated.

CLAIM 23 IS ALLOWABLE

Claim 23 particularly recites, "updating status information responsive to input from a carrier." The *Savino* reference only accepts information from a customer when generating the barcode of that reference. The *Savino* reference expressly teaches the opposite of allowing a carrier to provide information that would get linked with the barcode. Claim 23 cannot possibly be considered anticipated by the *Savino* reference.

CLAIMS 7-9 AND 14 ARE NOT ANTICIPATED

Claim 7 recites, in part, "a tracking module that includes status information regarding the transaction and updates the status information during stages of the transaction." Nothing in the *Savino* reference constitutes a tracking module as recited in claim 7. There is nothing that updates status information during stages of the transaction in the *Savino* reference. The barcode

generated in that reference is a shipping label affixed to a package that is linked to information available only up to the point when a customer places an order as pointed out above. There is no updating of information beyond that point in the *Savino* reference and claim 7 cannot be considered anticipated.

CLAIMS 10-13 ARE NOT ANTICIPATED

Each of claims 10-13 recites a particular module or relationship between modules related to status information that are not taught in the *Savino* reference. None of these claims can be considered anticipated.

CLAIM 15 IS NOT ANTICIPATED

Claim 15 particularly recites that, "at least one of the input devices is a shipper input device that a shipper uses to enter status information regarding the shipment and delivery portions of the transaction." The *Savino* reference never touches on this and this claim cannot be considered anticipated.

CLAIM 16 IS NOT ANTICIPATED

Claim 16 particularly recites, "a billing module that...automatically facilitates fund transfers between a customer account and a supplier account." There is nothing in the *Savino* reference that comes anywhere near the limitations of claim 16 and there is no anticipation.

CLAIM 20 IS NOT ANTICIPATED

Claim 20 particularly recites that the tracking module, "updates status information indicative of a stage of the transaction between a customer order and receipt by the customer." There is nothing in the *Savino* reference that does anything with the barcode after the customer places the order. Only the previously stored but not updated barcode information could be retrieved to review the information that was linked to the barcode prior to or at the time of the customer placing the order. There is nothing within the *Savino* reference that relates to updating status information regarding a stage of a transaction after the customer orders. Claim 20 is not possibly anticipated.

CLAIM 21 IS NOT ANTICIPATED

Claim 21 particularly recites that one of the users is a carrier. The *Savino* reference does not contemplate or allow for a carrier to enter information or provide information for updating a status of a transaction that gets linked to the barcode in the *Savino* reference. That reference clearly teaches that the barcode is generated only responsive to the customer input.

CLAIM 18 IS ALLOWABLE

There is no teaching within the *Savino* reference that anticipates a computer readable medium as recited in claim 18. There is nothing in the *Savino* reference for, "updating status information indicting the status of the transaction during a corresponding phase of the transaction" or "linking the status information to the transaction identifier." There is no anticipation.

CLAIM 19 IS ALLOWABLE

The particular stages of the transaction recited in claim 19 are not discussed or contemplated within the teachings of the *Savino* reference as being linked in anyway with the barcode of that reference. Claim 19 is not anticipated.

CONCLUSION

The Examiner's interpretation of the *Savino* reference finds many things within that reference that are not there. There is no express or inherent teaching of the particular arrangement recited in Applicant's claims, which goes beyond the teachings of a shipping label barcode in the *Savino* reference. Applicant's claimed invention provides further capabilities not contemplated by the *Savino* reference. The rejection under 35 U.S.C. §102 must be reversed.

There is no basis for maintaining a rejection of Applicant's claims. This case is in condition for allowance.

Respectfully submitted,

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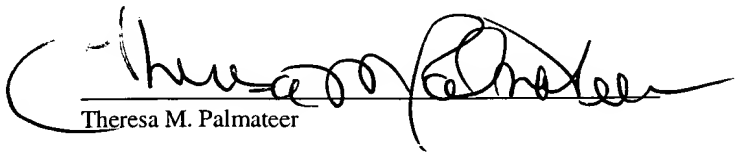
Dated: April 28, 2005

CERTIFICATE OF MAILING

I hereby certify that the enclosed Appeal Brief is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 28, 2005.



Theresa M. Palmateer

APPENDIX OF CLAIMS

1. A method of electronically handling transactions, comprising the steps of:

establishing a transaction identifier that is used during all stages of an order-to-cash trading cycle;

electronically storing the transaction identifier such that the identifier is remotely accessible by a plurality of users;

linking supplier information with the transaction identifier;

linking purchaser information with the transaction identifier;

updating status information indicating the status of the transaction during a corresponding phase of the transaction; and

linking the status information to the transaction identifier.

2. The method of claim 1, including automatically providing at least selected portions of the information linked to the transaction identifier to a user.

3. The method of claim 1, including providing at least selected portions of the information linked to the transaction identifier to a user responsive to the user accessing the transaction identifier.

4. The method of claim 1, including automatically facilitating payment from a customer to a supplier responsive to determining that a selected portion of the transaction is complete.

5. The method of claim 4, including automatically determining payment schedule terms based upon selected criteria using the determined completion of the selected portion of the transaction.

6. The method of claim 1, including automatically updating the status information responsive to remotely received information regarding stages of the transaction.

7. A system for electronically processing transactions, comprising:

a transaction identifier that identifies a transaction; and

a tracking module that includes status information regarding the transaction and updates the status information during stages of the transaction, the tracking module providing access to the status information to a plurality of users such that a user of the system can automatically access the status information by using the transaction identifier.

8. The system of claim 7, wherein the transaction identifier comprises a single barcode representing a number.

9. The system of claim 8, wherein the transaction identifier includes information identifying a customer, a purchase order number, shipment release number and packing slip number.

10. The system of claim 7, including a customer module that includes information regarding at least one customer, the customer module facilitating the tracking module obtaining information regarding the customer and the status of the transaction where the status relates to the customer, the customer module linking the customer information with the transaction identifier.

11. The system of claim 10, including a supplier module that includes information regarding at least one supplier, the supplier module facilitating the tracking module obtaining information regarding the supplier and the status of the transaction where the status relates to the supplier, the supplier module linking the supplier information with the transaction identifier.

12. The system of claim 11, wherein the tracking, customer and supplier modules all each communicate with the other modules.

13. The system of claim 11, wherein the tracking, customer and supplier modules are each located remotely from the other modules.

14. The system of claim 7, wherein the tracking module communicates with a plurality of remotely located input devices and where the input devices provide status information regarding the transaction.

15. The system of claim 14, wherein at least one of the input devices is a shipper input device that a shipper uses to enter status information regarding the shipment and delivery portions of the transaction.

16. The system of claim 7, including a billing module that communicates with the tracking module and wherein the billing module automatically facilitates fund transfers between a customer account and a supplier account responsive to receiving shipment confirmation information from the tracking module.

17. The system of claim 7, wherein the tracking module comprises software.

18. A computer readable medium containing a plurality of computer executable instructions for electronically processing transactions, comprising:

a first instruction module establishing a transaction identifier that is used during all stages of a transaction;

a second instruction module electronically storing the transaction identifier such that the identifier is remotely accessible by a plurality of users;

a third instruction module linking supplier information with the transaction identifier;

a fourth instruction module linking purchaser information with the transaction identifier;

a fifth instruction module updating status information indicating the status of the transaction during a corresponding phase of the transaction;

a sixth instruction module linking the status information to the transaction identifier; and

a seventh instruction module automatically providing at least selected portions of the information linked to the transaction identifier responsive to a user accessing the transaction identifier.

19. The computer readable medium of claim 18, wherein the status information includes information regarding the transaction at a stage between an order by the purchaser and receipt by the purchaser.

20. The system of claim 7, wherein the tracking module updates status information indicative of a stage of the transaction between a customer order and receipt by the customer.

21. The system of claim 7, wherein the plurality of users includes a carrier.

22. The method of claim 1, wherein the corresponding phase of the transaction is a phase between an order from the purchaser and receipt by the purchaser.

23. The method of claim 1, including updating status information responsive to input from a carrier.

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